



VIOLATION AND STOP WORK ORDER ENFORCEMENT **Established January, 2012**

Policy Statement

The Violation and Stop Work Order Policy for the Village of Lincolnshire has been established to provide a more consistent method for enforcing laws.

Criteria for Use

The Village Code authorizes the Building Official to issue a Violation, or Stop Work Order. Therefore it is the intent of this policy to provide a standard operating procedure for the consistent issuance of such.

Definitions

Building Official - Any employee of the Village authorized to administer or enforce the Village Code (5-1-3 (a))

Offender - The Contractor, permit holder, property owner or party responsible for the work being performed in violation of all applicable laws, or in a manner which may cause undue harm to the general health safety and welfare of the Community.

Stop Work Order, Minor – An official order requiring a person to cease and desist all work related to a violation of the Village or adopted Codes that is (1) in violation of any law, rule, regulation or approved plan; or (2) in a reckless, unsafe or unsanitary manner; or (3) with the use of defective or improper materials; or (4) contemplating an unlawful result as regards to location, intended use or occupancy; or (5) in any other respect contrary to the provisions of this Building Code or to the requirements of any other laws of the Village. However, can be determined by the Official to be easily correctable, with no negative or long term impact to Village improvements, easements, neighboring properties or trees, or where the scope of work is minor in nature.

Stop Work Order, Major - An official order requiring a person to cease and desist all work related to a violation that is (1) in violation of any law, rule, regulation or approved plan; or (2) in a reckless, unsafe or unsanitary manner; or (3) with the use of defective or improper materials; or (4) contemplating an unlawful result as regards to location, intended use or occupancy; or (5) in any other respect contrary to the provisions of this Building Code or to the requirements of any other laws of the Village. It is determined by the Official that an immediate negative effect to life safety issues, tree damage, public improvements, etc. exists or is imminent. This order is typically associated with work that is of an extensive scope or beyond a point of being easily corrected.

Violation, Minor - A violation of the Village or adopted Codes that is determined to be easily correctable, with no negative or long term impact to public improvements, easements, or trees, or

where the scope of work is minor in nature. (Examples: small scale projects started without a permit, erosion control damage, failure to maintain construction/tree protection fencing, material in right-of-way, etc.)

Violation, Major - A violation that has an immediate negative effect to life safety issues, tree damage, or village improvements. This is work that is typically of an extensive scope or beyond a point of being easily corrected. (Examples: large scale projects started without a permit, damage to public utilities or properties, violations involving a floodway, floodplain, or a wetland, etc.)

Materials Required

The following materials may be necessary to enforce this Policy:

- Stop Work placard
- Field Inspection Report
- Camera – with date stamping capabilities

Procedure

Once a violation is found by or brought to the attention of the Building Official, the Official must attempt to make contact with the Offender at the site of the violation or by telephone, email, or other means of communication. The Official will determine the severity of violation, and whether it qualifies as a Major or Minor Violation. The Building Official will notify the Offender of the nature of the violation, and the steps necessary to achieve compliance.

Minor Violations:

The Official will require the Offender to rectify the issue in an established time frame, i.e. before end of day, 24 hours, one week, etc. The Official will note the corrective action and determine whether any fines/fees are required and file the information with the associated Permit or Property File. If the violation is determined to be easily correctable, but a Stop Work Order is needed to ensure compliance, the following additional step will be necessary.

The Official will provide an inspection report indicating that work must be postponed until the required remediation has occurred. The Official will assess the required fee established in the Comprehensive Fee Schedule. The inspection report will be given to the Offender on-site and if needed, a copy will be provided to the property owner or general contractor responsible. Depending on the severity of the violation, the Official will inform workers on-site whether work must stop immediately or another established deadline, i.e. end of day, 24 hours.

Major Violations:

The Official must post a Stop Work Order placard on the site indicating that work must be postponed until the required remediation has occurred. The Official will assess the required fee established in the Comprehensive Fee Schedule. The inspection report will be given to the Offender on-site and if needed, a copy will be provided to the property owner or general contractor responsible. Depending on the severity of the violation, the Official will inform workers on-site whether work must stop immediately or another established deadline, i.e. end of day, 24 hours.

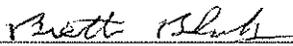
The Official must provide notification to the Offender of all fines and/or fees required, prior to scheduling a reinspection of the violation. The Offender must request a reinspection for

compliance 24 hours in advance, and must have paid all required fines and/or fees associated with the violation, prior to the Stop Work Order being lifted.

The Stop Work Notice shall not be removed, nor shall any further work on site continue without the written authorization of the Official. The Official shall provide a copy of the Stop Work release to the Offender and a copy to the Property File.

Contact:

For more information regarding this policy, contact the Engineering Supervisor or the Building Inspector.



Brett Blomberg, Mayor